

House Bill 1284

By: Representatives Lewis of the 15<sup>th</sup>, Stephens of the 164<sup>th</sup>, and Lunsford of the 110<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable only to counties, municipal corporations, and other governmental entities, so as to provide definitions; to provide that certain contracts shall be assumed by municipalities or other government entities subsequent to annexations, deannexations, or the incorporation of a municipality; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities, is amended by adding a new Code section to read as follows:

"36-80-22.

(a) As used in this Code section, the term:

(1) 'Agreement' means any subscription agreement or franchise agreement for solid waste collection services.

(2) 'Displacement' or 'displace' means the displacing of any firm's agreement by law, rule, or regulation of a municipality or county restricting the collection of solid waste by a firm.

(3) 'Firm' means a private solid waste collection firm.

(4) 'Franchise agreement' means the right and privilege to provide solid waste collection services granted to a firm by a governing entity responsible for providing solid waste collection in the displacement territory.

(b) Prior to a firm receiving any benefit pursuant to subsection (c) or (d) of this Code section, the firm must first establish that at least 30 days prior to the effective date of any annexation, deannexation, or incorporation of a municipality, the firm is providing solid

1 waste collection services pursuant to an agreement or contract in the territory to be  
2 annexed, deannexed, or incorporated into a municipality.

3 (c) A municipality in the case of annexation or incorporation, or a county in the case of  
4 deannexation, shall assume the contract or agreement from a municipality, county, or other  
5 governing entity with which a firm was originally in contract or agreement to provide solid  
6 waste collection services.

7 (d) A firm's agreement with a private entity that meets the requirements of subsection (b)  
8 of this Code section shall not be displaced by any municipality, in the case of incorporation  
9 or annexation, or by any county, in the case of deannexation. This subsection shall not  
10 prevent private entities from discontinuing an agreement with a firm pursuant to the terms  
11 of any agreement such private entity may have with a firm."

12 **SECTION 2.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law  
14 without such approval.

15 **SECTION 3.**

16 All laws and parts of laws in conflict with this Act are repealed.